AN ANALYTICAL STUDY OF RIGHT TO SPEEDY TRIAL IN CONSTITUTION WITH SPECIAL REFERENCE TO CRIMINAL JUSTICE SYSTEM IN INDIA

SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY NANDED

SUBMISSION OF SYNOPSIS

Submitted by

Miss. Mayuri Sirsat

Faculty

Law

Under the Supervision of

DR. DHARMAPURIKAR M. L. SIR

I/C Principal Shivaji College of Law, Kandhar

RESEARCH CENTER

NARAYANRAO CHAVAN LAW COLLEGE, NANDED

Fenruary-2024

1.1 INTRODUCTION:

One of the main functions of law in society is maintenance of law and order and the administration of criminal justice. As the nature of state has changed from police to welfare, in ultra-modern welfare state the role of law in society, as a means of social control, has assumed tremendous importance. Since state performs numerous and multifarious activities, the zone of legally prohibited activities is constantly and continuously increasing day by day. It has been observed by the Law commission of India that Criminal procedure is its chief means. Criminal Courts are the main agencies for its administration.[1] The recurrent conflict of interest between 'delayed trial' and 'speedy trial' has battled the legal policy planners, legislators, researchers, and the courts. This research tries to notice the efforts made for speedy trial and inordinate delay.

The problem of delay in disposal of cases is not a new problem and has been in existence since a long time. However, it has now acquired terrifying proportions. The speedy trial of offences has been the prime objective of the criminal delivery system. It is desirable goal as long and inordinate delay may defeat the ends of justice. There are common proverbs- "delay defeats justice" and "justice hurried is justice buried". Hence, the object of speedy justice should not be at the cost of legal justice. Thus, it is necessary to strike a reasonable balance between the considerations of speed and justice. Speedy trial of offences is in the interest of society.

The police methodology of solving crimes has been highly defective. Rate of convictions, acquittals and strictures passed from time to time against police by the courts are sole testimony of the fact. The persons charged with offences, i.e., accused, are generally looked down in society. An alarmingly large number of men, women etc. charged with offences are put behind bars for awaiting trial in courts of Law. Subsequently, it turns out that many innocents suffer if one goes by the rate of acquittals. This is against the fundamental principle of Criminal Jurisprudence, which states that ten guilty may go unpunished but one innocent should not suffer.[2]

The concept of speedy trial was not explicitly provided in any provision of the constitution of India which led to delay in incorporating this Nobel concept into the Indian

[1] 37th Report Law Commission of India, 1967,1

[2] www.bhu.ac.in last seen on the date 29/08/2022

legal system for a long time. There are certain provisions in Indian Criminal Procedure Code, 1973 which mentions some aspects of speedy trial such as section.309 Power to postpone the adjournment,[3] Section. 258 Dropping of proceedings – A person discharged under this section can be tried again for the same offence only with the consent of the court by which he was discharged or by a superior court.[4] Section.468 Condonation of delay- provides that except as otherwise provided in the code, the court shall not take cognizance of offences after the period of limitation.[5]

However, nothing concrete should be done towards ensuring speedy trial in latter and spirit until the judgment of Honourable Supreme Court in Hussainara Khatoon v. Home Secretary of State of Bihar[6]in which S.C. unequivocally established that the speedy trial is a part and partial of life and personal liberty as provided under Article 21 of the constitution. Speedy trial though not a specifically enumerated fundamental right in the constitution as in the United States of America (U.S.A). The principle of speedy trial propounded in Maneka Gandhi case. Maneka Gandhi has a profound but beneficial impact on the administration of criminal justice and the conditions prevailing in prisons have long been extremely deplorable and sub-human; prisoners are mal-treated; criminal trials are inordinately delayed etc. Every day one hears new of inordinately long delay in trial of criminal cases resulting in grave miscarriage of justices.[7]

The purpose of speedy trial may be stated thus "In criminal trials, it is in the society's interest that the trial concludes early and if the accused is guilty, he is duly punished. If on the other hand, the accused be not guilty, an early conclusion of the trial is necessary to reduce for him to ordeal of the trial and vindicate his honour as soon as possible. Speedy Criminal trial is, therefore, necessary in the interest of both the accused and the society. Delay frustrates this objective and is detrimental to the interest of everyone. Delay is the enemy of the justice. The object of punishing the guilty at the earliest also has a chastening effect as the others like minded and has a preventive element to improve the crime graph. Delay in the trial frustrates this object even when the prosecution is justified because of the waning interest of not merely

[3] Section 309 0f Code of Criminal procedure, www.shareyouressays.com , last seen on 06/07/2022
[4] J.C.K. Thakker Takwani and Mrs. Thakker Takwani Criminal Procedure,285 4th edition 2015
[5] J.C.K. Thakker Takwani and Mrs. *Thakker, Takwani Criminal Procedure,* 456 4th edition 2015
[6] Hussainara Khatoon v. Home Secretary of State of Bihar, AIR 1979, SC 1369.
[7] M.P. Jain *Indian Constitutional Law*, 8th Edition,2018

the society but also of the witness with the passage of time which ultimately dilutes the prosecution evidence and facilitates the acquittal of the guilty.[8]

The right to speedy trial has grown in age but its goals are yet unforeseen. Right to speedy trial is a concept which deals with disposal of cases as soon as possible so as to make the judiciary more efficient and trustworthy. The main aim right to speedy trial is to inculcate justice in the society. It is essential to ensure for every citizen a reasonably dignified life. Thus, every right is a human to live like a human being. The setting up an independent judicial system, inclusion of fundamental rights and directive principles of state polices further shows the commitment of our constitution makers in making the judicial system an effective organ of state machinery on which people can rely with trust and hope of justice. Speedy trial is a fundamental right implicit in the guarantee of life and personal liberty enshrined in Article 21 of the Constitution and any accused who is denied this right of speedy trial is entitled to approach Supreme Court under Article 32 for the purpose of enforcing such right.[9]

1.2 STATEMENT OF PROBLEM

An Analytical Study of Right to Speedy Trial in Constitution with Special reference to Criminal Justice system In India.

ISSUES OF RELATED PROBLEM

i. In India, neither the Constitution nor any existing laws or statutes specifically confer the right to speedy trial on the accused. Most of the existing laws also do not provide any timeframe in which a trial must be concluded; in cases where some timeframes have been provided, the courts have held them to be "directory" and not "mandatory".

ii. In a democratic society like India, for protecting and enhancing the rights of the people, the judiciary besides the Legislative and the executive body plays an important role. With the increase in workload, the efficiency and the time consumed in disposing of cases is alarming and astonished and working of the Courts are hampered badly.

[8]Durga Das Basu Commentary on the Constitution of India, 8th Edition 2008

[9]http://legalservicesindia .com/article/1571/constitutional right -to-speedy trial.html. last seen on the date 08/09/2022

iii. With the increase in the rate of pending cases and declination of pronouncement of judgments, our society now truly considers that "justice delayed is Justice denied". Due to the delay in rendering justice, people are losing faith in the judicial system. A dignified life is not possible unless an accused is assured speedy disposal of his case.

iv. Therefore, speedy trial has been implied as a fundamental right under Article 21 of the Constitution of India. Individual liberty is a cherished right and perhaps one of the most valuable fundamental rights guaranteed by our Constitution.

v. Yet, the judiciary is unable to enforce this, partly for want of adequate number of courts and Judges and partly due to their indifferent attitude towards the pending cases. Criminal law remains ineffective without quick trial and prompt punishment.

vi. Researcher has made earnest efforts to examine the evolution of the Indian jurisprudence on this matter, which has been quite favorable for defendants. Further the researcher stretched this line of inquiry to evaluate whether the positive court rulings have translated into tangible changes for the accused. The situation in India on right to speedy trial is thought to be much worse.

vii. All these above issues led the researcher to take up this particular topic wherein an effort has been made to adumbrate the pros and cons of justice delivery system in India with an eye on 'right to speedy trial' which is implied under Article 21 of the Constitution of India.

1.3 THE AIMS AND OBJECTIVES

The aim of the study is to understand thoroughly what the concept of speedy trials, and having done so, to analyse the introduction of the concept in India through the recent amendment of the Code of Criminal Procedure, 1973 and recent Judgments of the Courts.

1. To study the constitutional provisions for the “Rights to Speed Trial” system in India.
2. To study, discuss and analyse the constitutional rights for the “Rights to Speed Trial” system in India.
3. To study the criminal perspectives of justice delivery system in India.
4. To evaluate and assess the “Rights to Speed Trial” of criminal justice delivery system in India.
5. To find out the judicial mechanism that was put into motion while executing the philosophy of speedy trial of India.

6. To ascertain the impediments behind speedy trial and also to suggest ways and means to ensure speedy trial.

These objectives are proposed to be secured mainly by analysing the judicial behaviour and trends based on the judgments by the Supreme Court as well as High Courts. Further, the suggestions and recommendations given from time to time by various Committees and Commissions including the Reports of Law Commission are also considered in achieving the above-mentioned aims and objectives.

1.4 SIGNIFICANCE OF STUDY

The significance of criminal justice system in public administration is that it has the aim of establishing such condition in society in which there is law and order, and there is protection to the rights of the individuals. This system gives support to Rule of law and the meaning and significance to the idea of speedy justice. The administration of justice does not deal with the punishment of the guilty alone, almost means acquittal of the innocent. Fairness and speed are equally important in the administration of justice. Speedy justice serves the best interests of the accused, the survivors, and the society at large.

However, in our country criminal justice has facing serious criticism for pending of cases and delayed justice. Almost every component of this system is finding it difficult to get along. The problem of delay and pendency is rather dreadful in criminal cases, as compared to civil cases. The Indian criminal justice process appears to be on the point of collapse due to multiple reasons for delayed in to deliver of justice. Therefore, speedy trial in criminal justice system is an urgent need of the present judicial system for the sake of to maintain faith of litigants over judiciary, otherwise negative impact take place on layman they lose hopes from judiciary as well as state and will try to take law in their hand.

1.5 AREA OF RESEARCH

The researcher must select this topic is the criticism very often heard that the criminal justice system of our country has failed in its purpose of dealing with the delivery of speedy justice. I decided to select the topic of my research work on such essential an issue that of 'speedy trial in criminal justice system in India'. I also share the idea to carry on my work on this topic with my teachers having vast practical experiences whereby it had been inferred that there was an urgent need to investigate the current position of speedy dispensation of criminal justice in India and in other countries.

The research thrown the light on giving respect to right to speedy trial of all persons by inculcating positive work with positive attitude in a life cycle and that can be easily achieved by providing education to the people, this enables them to understand the value of Human Rights and dignity of an individual irrespective of their cast, creed, sex and status, this research will also add further information to the society in the field of National and International Human Right Laws and will be of great help and as assistance to the research scholars for further meaningful research in the context of an inquiry into the constitutional right 'Right to speedy trial' in criminal justice system in India.

The researcher would like to study of ancient Justice delivery system, historical perspective, international perspective, constitutional mandate, statutory provisions in India, role of various agencies in furtherance of speedy trial in India, various committee reports on speedy justice, collect data from opinions of Judges, Law teachers, Law students, Law experts, Lawyers with the help questionnaires.

Finally, research will also helpful for the legislature for framing the policies in relation to right to speedy trial in criminal justice system in India.

1.6 LITERATURE REVIEW

The review of allied literature as well as previous research work is of paramount importance in research endeavour. Under this review of related literature an attempt has been made to review literatures available so as to draw some meaningful guidelines for the present research work. The researcher finds "The Article on Right to Speedy Trial as a part of Fundamental Human Rights in India" it is to expose to view or show something concealed from the preceding study that although the constitution of India does not directly talk of the right to speedy trial but the same has been given a status of fundamental right by way of interpretation of Article 21 of the India.

In this article find that it is a judiciary which is instrumental in giving this right the status of fundamental right.[10] Another review taken from "The Concept of Fast Track Courts" in this essay, the right to speedy trail is not a fact or fiction but a "Constitutional Reality" and it has to be given its due respect.[11] "INORDINATE DELAY VERSUS SPEEDY TRIAL: AN INDIAN EXPERIENCE" in the article discussed about, inordinate delay has become a legal

[10].shodhganga.inflibnet.ac.in ,11 Chapter 4 pdf. Last seen on 20/08/2022
[11] www.lawteacher.net last seen on the date 20/8/2022

system. A number of committees and the Law commissions of India in its various reports have made suggestions and recommendations for elimination of delay. A number of steps have been formulated by the state but the object of speedy trail remains a myth and has not, so for changed into reality. There is a need to enact a new comprehensive law on the speedy trial of cases. Criminal law should be suitably amended to achieve the object of speedy trial of offences.[12]

The researcher fined one book i.e., Law of Speedy Trial in India (2006) By B.L. Arora, mentioned speedy trail is one of the essences of criminal justice system. Unreasonable delay in trial and administration of justice by itself, in most of the cases, constitutes complete denial of justice. Prolonged trials also result in to shorten of 'personal liberty' of a person subjected to such trial. Any procedure established by law that causes unreasonable delay administration of justice cannot be considered to be just, fair and reasonable so as to be in conformity with the requirement of Article 21 of the Constitution, which protects right to life and personal liberty of a person from arbitrary or unreasonable control and deprivation. Thus, even though right to speedy trial has not been specifically enumerated as a right in any part of the constitution, the Supreme Court has read it as one of the fundamental right implicit in the broad sweep and content of article 21of the constitution through its creative interpretation.

In first part of the book the author has dealt with certain basic aspects relating to delay in administration of criminal justice, its implications, and factors responsible for such delay and also provided statistics of pendency of cases before the Supreme Court, High Courts and Subordinate Courts in India. The book contains the gist of various judicial pronouncements of both the Supreme Court and high courts on different aspects of speedy trial. However, the author has not properly arranged these cases and some of the cases have been unnecessarily repeated. Though, the book is entitled Law of Speedy Trial in India, the author has sudden go into various other topics as well which do not fairly fall within the ambit of the suggested title. Thus, the researcher opinion that the book has neither comprehensively dealt with the subject nor exclusively confined to the subject.[13]

[12] S.N. Sharma, *Inordinate Delay Versus Speedy Trial: An Indian Experience*., Dept. of Laws H.P. University, Shimla- 171005

[13]By B.L. Arora, *Law of Speedy Trial in India* (2006). Universal Law Publishing Co., C-FF-1A, Dikkush Industrial Estate, G.T. karnal Road, Delhi- 110033

One another article published by Guest Post in General, A Note on the 'Jurisprudence of Speedy Justice'. In this article discussed about famous phrase that, "Justice Delayed is Justice Denied". Also deal with research study done in India shows that most of the prisons are overcrowded and furthermore no special care are being taken by the authorities in regards to the condition of the prisoners. The next strata of justice i.e., the courts have again too many of open cases to deal with. If the courts were to speed up and clear these cases, what could be the strategy is an underlying question. In India, all the non-convicted defendants have to undergo within the Indian criminal justice process i.e., "under trial" which in itself is a staggering process for which partially the high-ranking Government officials, the lawyers and the Judges seems to be responsible. Hence, there is a need of massive reforms in the country's penal process.[14]

The Primary Source for this study has been the decisions rendered by the Supreme Court of India and the High Courts, reported in different Law Journals like. Supreme Court Cases, All India Reporter etc. These decisions of Courts came very handy because they gave me the first-hand knowledge of the delay justice-delivery system in India and concern of the Courts regarding such delays. For example, the Supreme Court in Hussainara Khatoon v. Home Secretary, State of Bihar[15]observed: "Procedure prescribed by law for depriving a person of his liberty cannot be reasonable, fair or just unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as 'reasonable, fair or just' and it would fall foul of Article 21.

There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21."Then the Supreme Court in Kadra Paliadiya v. State of Bihar[16]observed "It is a crying shame upon our adjudicatory system which keeps men in jail for years and years without trial. The Court in a compassionate expression observed: "No one shall be allowed to be confined in jails for more than a reasonable period of time, which we think cannot and should not exceed one year for a session trial.... We fail to understand why our justice system has become so dehumanized that lawyers and judges don't feel a sense of revolt in caging people in jails for years without trial". In another judgment with profound

[14] http://blog.ipleaders.in last seen on the date 30/08/2022
[15]Hussainara Khatoon v. Home Secretary, State of Bihar, AIR (1980)1 SCC 81.
[16]Kadra Pandiya v. State of Bihar, AIR (1983) 2 SCC 104: 1983 SCC (Cri) 361.

implication, the apex Court observed: "Although right to speedy trial is not expressly guaranteed a constitutional right in India, speedy trial is the essence of criminal justice and delay in trial by itself constitutes denial of justice. Pendency for long periods operates as an engine of oppression".

The decisions like these gave the proper direction to my work. The Secondary Sources that have been referred to and relied upon are - articles written by eminent Judges, Jurists, Academicians, Lawyers, Journalists etc. The secondary sources in the study are as important as the primary source because these sources provided the researcher with scholastic viewpoint of the topic under study. Another aspect which has gone unnoticed is that people always blame the judges for the delay but in reality, the advocates are equally to be blamed. The Supreme Court in Judges Transfer case[17]observed that "the advocates are equal partners with the judges in the Administration of Justice". Therefore, the credit as well as discredit of the judiciary is to be shared by both the judges and the advocates. Further when an appeal is made to a High Court, such court intimates the trial court to send back the case file to such High court. But surprisingly trial courts take months together in sending the case file and thereby making delay in the disposal of cases.

1.7 HYPOTHESIS

1. The time frame taken by judiciary in disposing of criminal matters impedes access to justice and affects fundamental right given under Constitution of India.
2. The state is under a Constitutional mandate to ensure speedy trial and whatever is necessary for this purpose must be done by the state.

1.8 RESEARCH METHODOLOGY

In pursuing this study, the traditional doctrinal as well as non-doctrinal approaches have been followed. However, as the legal research may not be done within the straight jacket formula of any recognized scientific method, a multi-prolonged approach would be resorted to depending on the necessity. The method of writing adopted is both descriptive and analytical. As regards the analysis of judicial approach to speedy trial, the methodology

[17]S.P. Gupta v. Union of India, AIR 1982 SC149.

adopted would be analytical. Further this study will also have the references to plethora of cases to ascertain the dicta laid down therein pertaining to right to speedy trial.

The research is Doctrinal or Library based research relying on primary and secondary sources. The main criterion of the research methodology thus lies and revolves around the constitutional provisions, statutory laws and its implications, judicial review and decisions of the Supreme Court. The researcher will study the books, journal article, case laws and discussion on the doctrine sourced from various websites to collect. Basic material to be use in furtherance of the objective. The research is carried out, on the basis of facts and data stored in the library and archives.

The documentary sources include the primary sources as well as secondary sources. Accordingly, the data, for the work has been collected from primary sources like a constitution of India and from secondary sources namely books, articles, case laws, reports also official websites concerned has been referred to collect relevant data and reports etc. on research topic for the purpose of accomplishment of present doctrinal research.

Much of material is gathered through the internet from the official websites of the Government of India, various Ministries and International Organizations and NGO's. Throughout the study, content analysis is undertaken for data collection. To identify the reasons for the delay questionnaires could be supplied to judiciary related persons i.e., Lawyers etc.

1.7 SCHEME CHAPTERIZATION

CHAPTER 1 INTRODUCTION TO RESEARCH STUDY

1.1 Introduction

1.2 Statement of Problem

1.3 Aims and Objectives

1.4 Significance of study

1.5 Area of Research

1.6 Literature review

1.7 Hypothesis

1.8 Research methodology

CHAPTER 2: RIGHT TO SPEEDY TRIAL – CONCEPTUAL BASIS

2.1 Introduction

2.2. Origin of Concept of Trial

2.3. Meaning of Speedy Trial

2.4. Historical perspective of trial to speedy trial

2.4.1 An Overview

2.4.2 Ancient Period

2.4.3 Medieval Period

2.4.4. British period

2.4.5. Post – Independence Era

2.4.6 The Present System- Comparison with Ancient Judicial System

2.5 Summary

CHAPTER 3: RIGHT TO SPEEDY TRIAL – HUMAN RIGHT PERSPECTIVE

3.1 Introduction

3.2. Concept of justice

3.3. Concept of personal liberty

3.4. Analysis the right to speedy trial and proverb "Justice delayed is Justice denied" and "Justice hurried is Justice buried".

3.4.1 Justice delayed is justice denied

3.4.2 Justice hurried is justice buried

3.5 Summary

CHAPTER 4: RIGHT TO SPEEDY TRIAL – INTERNATIONAL PERSPECTIVE

4.1 Introduction

4.2 International Covenants and Conventions

4.2.1 Universal Declaration of Human Rights, 1948

4.2.2 Geneva Convention III

4.2.3 Geneva Convention IV

4.2.4 European Convention on Human Rights 4.2.5 European Convention on Human Rights

4.2.5 European Convention on Human Rights

4.2.6 International Covenant on Civil and Political Rights

4.2.7 International Covenant on Civil and Political Rights

4.2.8 American Convention on Human Rights

4.2.9 African Charter on Human and Peoples' Rights

4.2.10 ICC Statute

4.2.11 Statute of the Special Court for Sierra Leone provides

4.2.12 Statute of the Special Tribunal for Lebanon

4.3 Sixth Amendment of the U.S. Constitution

4.3.1. Application and Scope

4.3.2. When the Right is denied

4.4 Summary

CHAPTER 5: RIGHT TO SPEEDY TRIAL – A CONSTITUTIONAL PERSPECTIVE AND STATUTORY PROVISIONS IN INDIA

5.1 Introduction

5.1.1 Constitutional Provisions Relating Right to Speedy Trial

5.1.2 Article 14 Strikes at Arbitrariness

5.1.3 Protection of Life and Personal Liberty-Article 21

A) Procedure Established by Law

B) Protection against Arrest and Detention

C) Equal Justice and Free Legal Aid

5.1.3. Judicial Pronouncement

5.1.3.1 Right to speedy trial is included in Fundamental Right to Life and Personal liberty under Article 21 of the Indian Constitution (Hussainara I to Hussainara VI cases).

5.1.3.2 Right to speedy trial is a Fundamental Right of accused implicit in Right to life and personal liberty under Article 21 of the Constitution.

5.1.3.3 A delayed trial may not be an unfair trial and denial of Justice

5.1.3.4 Right to speedy trial and Pendency of Case

5.1.3.5 Right to speedy trial is not violated where delay is not unreasonable and unfair

5.1.3.6 It is not possible to draw a time limit beyond which a criminal proceeding could attract the right to speedy trial

5.2 Right to speedy trial – statutory provisions in India

5.2.1 Introduction

5.2.2 Speedy Trial in the Code of Criminal Procedure Code, 1973

5.2.3. Amendment of Section 309 Code of Criminal Procedure

5.2.4 Provision of Summary Trial

5.2.5 Compoundable Offences

5.3 Plea Bargaining

5.4 Defects and errors in procedural laws

5.4.1 Construction and Interpretation of Procedural Law

5.4.2 Procedural law - Need for Simplification

5.5 Summary

CHAPTER 6: ROLE OF VARIOUS AGENCIES IN FURTHERANCE OF RIGHT TO SPEEDY TRIAL

6.1 Introduction

6.2 Report of Mali math Committee on Speedy Trial

6.2.1 Problem of Pendency and Delay in Criminal Justice

A) Arrears Eradication Scheme

B) Re-classification of offences for Efficient Management of Criminal Justice

C) Change in Mind-Set, Work culture and Accountability

6.2.2 Structural Reforms

A) Fundamental Principles

6.2.3 Remedies - In Reference to Mali math Recommendation

6.3 Role of lawyers, litigants, and Lok Adalat

6.3.1 Role of lawyers

A) Reasons for Decline

B) Some Ideas to Remove Clogs

6.3.2 Role of Litigant in speedy trial

6.3.3 Lok Adalat

A) Powers of Lok Adalat

B) Advantages of Lok Adalat

6.4 Use of Information Technology to Achieve Speedy Trial

6.4.1. Information Technology- Applicable Area

6.5 Alternative dispute resolution and fast track court

6.5.1 Alternative Dispute Resolution

6.5.2 Fast Track Court

6.6 Exploring Reasons for Delay, Backlog and Pendency

6.6.1 Identifying the reasons for the backlog, delay and pendency, with the help of empirical study.

6.7 Summary

CHAPTER 7: CONCLUSION

7.1 Conclusion

7.2 Suggestions and Recommendation

REFERENCES

1. 37th Report Law Commission of India, 1967,1
2. www.bhu.ac.in last seen on the date 29/08/2022
3. Section 309 0f Code of Criminal procedure, www.shareyouressays.com , last seen on 06/07/2022
4. J.C.K. Thakker Takwani and Mrs. Thakker Takwani Criminal Procedure,285 4th edition 2015
5. J.C.K. Thakker Takwani and Mrs. *Thakker, Takwani Criminal Procedure,* 456 4th edition 2015
6. Hussainara Khatoon v. Home Secretary of State of Bihar, AIR 1979, SC 1369.
7. M.P. Jain *Indian Constitutional Law*, 8th Edition,2018
8. Durga Das Basu Commentary on the Constitution of India, 8th Edition 2008
9. http://legalservicesindia .com/article/1571/constitutional right -to-speedy trial.html. last seen on the date 08/09/2022
10. shodhganga.inflibnet.ac.in ,11 Chapter 4 pdf. Last seen on 20/08/2022
11. www.lawteacher.net last seen on the date 20/8/2022
12. S.N. Sharma, *Inordinate Delay Versus Speedy Trial: An Indian Experience*., Dept. of Laws H.P. University, Shimla- 171005
13. By B.L. Arora, *Law of Speedy Trial in India* (2006). Universal Law Publishing Co., C-FF-1A, Dikkush Industrial Estate, G.T. karnal Road, Delhi- 110033
14. http://blog.ipleaders.in last seen on the date 30/08/2022
15. Hussainara Khatoon v. Home Secretary, State of Bihar, AIR (1980)1 SCC 81.
16. Kadra Pandiya v. State of Bihar, AIR (1983) 2 SCC 104: 1983 SCC (Cri) 361.
17. S.P. Gupta v. Union of India, AIR 1982 SC149.